

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent )  
application of: ) Before the Examiner  
)  
Kevin T. Foley et al. ) David A. Bonderer  
)  
Serial No. 10/625,418 )  
) Group Art Unit 3732  
Filed: July 23, 2003 )  
) Atty Docket No. 4002-3363/PC459.06  
METHODS AND INSTRUMENTS FOR )  
INTERBODY SURGICAL TECHNIQUES ) April 13, 2005

TERMINAL DISCLAIMER

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

The undersigned hereby represents that the owner, SDGI Holdings, Inc., has a 100% ownership interest in the above-captioned application and its parent U.S. Patent No. 6,599,291, as indicated by the assignment recorded in the U.S. Patent and Trademark Office on February 27, 2001 at Reel 011546, Frame 0455. The undersigned attorney of record, on behalf of SDGI Holdings, Inc., hereby disclaims the terminal part of any patent granted on the above-captioned application that would extend beyond the expiration date of U.S. Patent No. 6,599,291, and hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,599,291. This disclaimer shall run with any patent granted on the above-captioned application and to be binding upon the grantees, their successors or assigns.

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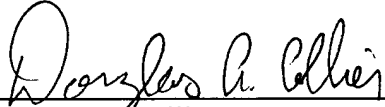
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Foley; USSN 10/625,418  
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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the above-identified patent, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the granted patent; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Applicants enclose the statutory fee pursuant to 37 C.F.R. §1.20(d) of \$130.00. In addition, please provide any extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 12-2424, but do not include any payment of issue fees that are or may become due.

Respectfully submitted:

By:   
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